

**BOARD OF SELECTMEN MINUTES
MARCH 14, 2011**

Chairman George Infanti called the meeting to order at 6:35 p.m. Selectmen present: Dwight Brew, Thomas Grella, Bruce Bowler and James O'Mara. Also present: Town Administrator Gary MacGuire and Executive Assistant Sharon Frydlo.

Citizens' Forum

Ted Landon, Sprague Road, congratulated Tom on his re-election. He told the Board that it was his hope that the \$390,000 goes into the General Fund and that they don't end up spending it some place that was unintentional. It is unanticipated revenue and they can do whatever they want to do with it because it was the law but he hoped it goes back to the taxpayer, since it wasn't voted on or desired by the citizens of Amherst.

Old Business

Mr. Infanti noted they had elections last Tuesday and welcomed Tom back to the Board. He remarked that the Article for the \$390,000 did not pass, along with two Conservation Commission Articles. Mr. Bowler indicated that on Tuesday, March 15 there will be a recount for Article 26 on the Fire Truck. Mr. Infanti mentioned that in his many years he had never seen a tie vote. The recount was at 6:00 p.m. Mr. Brew appreciated all the voters who took the time to understand all the issues and in this economy, not reacting to the higher budget. Mr. O'Mara agreed with Dwight and without an exit poll, it appeared that people were consistent on the land votes. Mr. Bowler also agreed. Mr. Infanti indicated that the important thing was that Ways & Means, the Amherst Citizens Association and Selectmen all felt the budget was realistic this year and other towns did not get this vote. He remarked that as a Board, they spend the money in a frugal and efficient way.

New Business

Mr. Bowler moved to nominate Jim O'Mara as Chairman, second by Dwight Brew. Vote: Unanimous.

Mr. Brew moved to nominate Bruce Bowler as Vice Chairman, second by Mr. Grella. Vote: Unanimous.

Mr. O'Mara moved that Mr. Infanti be the Clerk, second by Mr. Brew. Vote: Unanimous.

Mr. O'Mara thanked his colleagues. He noted he was honored to accept the chairmanship and hoped it would be a good year. He mentioned that typically the next order of business would be to select assignments to Boards and Commissions, but opened this up for discussion about potentially amending the assignments to exclude the various departments that report to the Town Administrator and allow them to report to him and not the Selectmen. He indicated that they did not have to make a decision that night. Mr. Infanti commented that he had mentioned this some time ago and what Milford had done when he was a Selectman there. The Department Heads reported to the Town Administrator and the Town Administrator reported to the Board of Selectmen. However, the Selectmen would be available to work with the Department Heads on the budget process. He told Mr. O'Mara that there would still be other commitments, such as Conservation, Planning Board, SRLD and Recreation to name a few.

Mr. Brew was in agreement in principle. He said that George mentioned Recreation and he would like to talk about the Library. He was in agreement with Police, Fire, and DPW. He didn't know if they want to differentiate with departments, such as the Library. Mr. O'Mara's suggestion was that they still would have a representative participating to the extent that they are invited by the other governing body.

He noted that George suggested the CIP, Conservation, Planning Board, Historic District, Cemetery Trustees, Stormwater II, Road Commission, the Library and Liaisons to both School Districts, CIC Committee and SRLD. Mr. O'Mara mentioned that he wouldn't ask for a motion until everyone felt comfortable about this and could make it an "action item" for the next meeting. Mr. Bowler didn't agree. He indicated that they talked about the budget season, but it would be nice to have a representative through the entire year. It was fine for many years and didn't see the reason for changing it. Mr. Grella agreed and noted there were a number of things that come up during the year and although the DPW Director is in communication with Gary, he also had been in communication with him as well. Mr. O'Mara added that since they had a divided Board, they will make a decision at the next meeting.

Mr. Brew remarked that there had been some confusion as to whether or not the Selectman was a voting member on the Conservation Commission. While this made no difference to him, he asked if there was something from the State as to whether this position was a voting member. He mentioned that he was fully in agreement and they would hold Gary responsible for the operation of the Town. Mr. O'Mara remarked that from time to time the Selectmen may have expertise that Gary would look for help from. Mr. Brew liked the idea of them thinking about this for several weeks and he appreciated not pushing for a vote. Mr. O'Mara advised that they will not take a vote on this and take it under consideration. He also suggested that he would like to see the agenda changed slightly with "Discussion items" and "Action items".

Request for Use of the Town Common for Summer Concert Series

Mr. Bowler moved to approve the request for use of the Town Common on Tuesday, June 28, Tuesday, July 12, Tuesday July 26 and Tuesday, August 9, 2011, second by Mr. Infanti. Vote: Unanimous. Mr. O'Mara noted the concerts were being sponsored by the Recreation Department and they had apparently been quite successful last year.

Sign Application for State Bridge Aid Construction

Mr. O'Mara advised that the Board was approving a letter written by DPW Director to Commissioner George Campbell, NHDOT that read as follows: *The voters of the Town of Amherst have approved a two million one hundred thousand two hundred sixty dollar (\$2,100,260) bond to replace/rehabilitate red listed bridges identified as follows: New Boston Road over Beaver Brook, Manchester Road over Beaver Brook and Horace Greeley Road over Pulpit Brook and hereby request State Bridge Aid. In accordance with your requirements, we will only replace/rehabilitate one bridge per calendar year.*

Mr. Bowler so moved, second by Mr. Grella. Discussion: Mr. Brew noted that he was not actually sure that they were only going to replace one bridge per year and guessed it may be a funding issue. He wondered what would happen if they had a second bridge that had to be replaced. Mr. O'Mara believed they could reapply. This was a State requirement, but it would not preclude an emergency. Mr. Grella spoke further on the matter. The last sentence bothered Mr. Bowler and felt they should be replacing more than one bridge and save interest. Mr. O'Mara thought it appeared to be a State requirement, but if the community has the capability of

doing more than one bridge then they should do it. However, the State needs to control the State Aid. Mr. Infanti suggested approving the letter as is and research it further to see if they can do more than one bridge at a time. ***Vote: Unanimous.***

**Approve DPW Director to Sign Grant Agreement
for Funding of Used Oil Collection Center**

Mr. Bowler mentioned that they had done this many years ago. Mr. MacGuire advised that part of the problem was that the DES needed an exact date than what they had before which was only a month and a year. Requirements had changed since then and they need a date of the vote on the standard DES form. ***Mr. Infanti moved to approve the DPW Director to sign a grant agreement for funding of a used oil collection center, second by Mr. Bowler. Vote: Unanimous.***

Approve & Sign – Pole Licenses

Mr. Bowler moved to approve pole licenses on Baboosic Lake Road, Christian Hill Road and Thornton Ferry Road II, second by Mr. Grella. Vote: Unanimous.

Approve & Sign – Baboosic Lake Community Septic Warrants

Mr. O'Mara read the warrant for Phase I Quarterly Maintenance in the amount of \$5,123.88. ***Mr. Infanti so moved second, second by Mr. Grella. Vote 4-0-1 Mr. Bowler abstained.***

Mr. O'Mara read the warrant for Phase II Quarterly Maintenance in the amount of \$5,556.48. ***Mr. Infanti so moved, second by Mr. Bowler. Vote: Unanimous.***

Mr. O'Mara read the warrant for Phase III Quarterly Maintenance in the amount of \$5,690.88. ***Mr. Bowler so moved, second by Mr. Infanti. Vote: Unanimous.***

Mr. O'Mara read the warrant for Phase III Betterment (9th Installment) in the amount of \$268.78. ***Mr. Bowler so moved, second by Mr. Grella.*** Discussion: Mr. Brew asked what the difference between "betterment" and "maintenance" was. Mr. MacGuire advised that back in Phase II some people experienced costs such as electrical connections that were a little high, so they became a separate part of the bill. ***Vote: Unanimous.***

Mr. O'Mara read the warrant for Phase IV Quarterly Maintenance in the amount of \$1,039.55. ***Mr. Bowler so moved, second by Mr. Grella.*** Discussion: Mr. Bowler questioned the amount and wondered why it was so much lower than the others. Mr. MacGuire didn't have the answer without doing further research. ***Mr. Bowler moved to table the motion, second by Mr. Grella. Vote: Unanimous.*** This was tabled until the Board's March 28 meeting.

Mr. O'Mara read the warrant for Phase IV Betterment (3rd Installment) in the amount of \$34.24. ***Mr. Bowler so moved, second by Mr. Grella. Vote: Unanimous.***

Accept Unanticipated Funds

Mr. MacGuire indicated \$27.73 was for court ordered restitution for the Fire Department. \$432.75 was for a DPW contract in 2008 for a sign rental they had some issues with. It was kept on the vendor's books for 2 ½ years and they were finally returning it and it will be put into the budget.

154 *Mr. Bowler moved to accept and expend \$27.73 second by Mr. Brew. Vote: Unanimous.*
155 *Mr. Infanti moved to accept unanticipated funds for \$432.75, second by Mr. Grella. Mr.*
156 *Infanti amended his motion to accept and expend, second by Mr. Grella. Vote: 4-1 Mr.*
157 *O'Mara opposed.*

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161 Mr. O'Mara asked three young people up to the microphone. They told the Board they were
162 Freshmen who had to attend a Town Meeting for a specific class and they write a paper on it. Mr.
163 O'Mara thanked them for coming in and told them they appreciated it and if they had any
164 questions to give them a call.

165 Abatements

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168 After reading the recommendation from MRI, *Mr. Bowler moved to approve an abatement on*
169 *M/L 2-73-44-45 in the amount of \$235.52, second by Mr. Infanti. Vote: Unanimous.*

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171 After reading the recommendation from MRI, *Mr. Bowler moved to approve an abatement on*
172 *M/L 2-73-44-46 in the amount of \$509.95, second by Mr. Infanti. Vote: Unanimous.*

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174 After reading the recommendation from MRI, *Mr. Bowler moved to approve an abatement on*
175 *M/L 2-73-29-31 in the amount of \$438.27, second by Mr. Infanti. Vote: Unanimous.*

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177 After reading the recommendation from MRI, *Mr. Bowler moved to approve an abatement on*
178 *M/L 5-64-1 in the amount of \$317.44, second by Mr. Infanti. Vote: Unanimous.*

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180 After reading the recommendation from MRI, *Mr. Bowler moved to approve an abatement on*
181 *M/L 2-158 in the amount of \$102.40, second by Mr. Infanti. Vote: Unanimous.*

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183 After reading the recommendation from MRI, *Mr. Bowler moved to approve an abatement on*
184 *M/L 19-7-1 in the amount of \$755.71, second by Mr. Infanti. Vote: Unanimous.*

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186 After reading the recommendation from MRI, *Mr. Bowler moved to approve an abatement on*
187 *M/L 3-81 in the amount of \$790.53, second by Mr. Infanti. Vote: Unanimous.*

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189 After reading the recommendation from MRI, *Mr. Bowler moved to approve an abatement on*
190 *M/L 5-16-39 in the amount of \$688.12, second by Mr. Infanti. Vote: 4-1, Mr. Infanti opposed.*

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192 After reading the recommendation from MRI, *Mr. Bowler moved to deny the abatement on M/L*
193 *4-18-10, second by Mr. Grella. Vote: Unanimous.*

194 BTLA Settlement

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197 After reading the recommendation from MRI, *Mr. Bowler moved to approve an abatement for*
198 *2009 on M/L 2-116 in the amount of \$613.78, and \$622.59 for 2010, second by Mr. Grella.*
199 *Vote: Unanimous.*

200 Tax Credit

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203 After reading the recommendation from MRI, *Mr. Bowler moved to approve a tax credit of*
204 *\$500.00 for M/L 11-12-28, second by Mr. Infanti. Vote: Unanimous.*

205 **Land Use Change Tax**

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207 After reading the recommendation from MRI, ***Mr. Bowler to approve a L.U.C.T. for M/L 7-80-3***
208 ***in the amount of \$13,500.00, second by Mr. Infanti. Vote: Unanimous.***

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210 *****

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212 Mr. Bowler asked to revisit the discussion on the Phase IV Quarterly Maintenance Warrant. He
213 advised that the interest had not been applied yet and the reason for the lower figure. ***Mr. Bowler***
214 ***moved to untable, second by Mr. Grella. Vote: Unanimous. Mr. Bowler moved to approve***
215 ***Phase IV Quarterly Maintenance in the amount of \$1,039.55, second by Mr. Infanti. Vote:***
216 ***Unanimous.*** Mr. MacGuire advised that one of the differences was that this was a brand new
217 Phase and in its early stage and the interest has not been applied yet, but in December it will spike
218 up.
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220 **Minutes**

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222 ***Mr. Bowler moved to approve the minutes of February 22, 2011, second by Mr. Infanti***
223 ***amended as follows: Line 157 – Strike “what was available and”. Vote: 4-0-1, Mr. Brew***
224 ***abstained.***
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226 **Other Business**

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228 Mr. Bowler asked that on an agenda in the near future to have a discussion on the roads especially
229 the list of roads on the road bond. Mr. O’Mara thought that the list probably was always going to
230 have some type of change going into the season, but it would be good to see what the list may
231 look like now. Mr. MacGuire advised that he was aiming to have Director Berry come in every
232 month or every other month to give them updates on the status of the roads. He was trying to get
233 him in at the Board’s next meeting. Mr. O’Mara asked that he share with them what his
234 immediate plans were.
235

236 Mr. Grella spoke about two School Championships – the Mock Trial Team and Girls Varsity
237 Basketball Division II Team. In the past they have invited these teams in to express the Board’s
238 congratulations. Mr. Infanti suggested they tentatively schedule them in at their next meeting.
239

240 Mr. Infanti reported that last Friday he met with Vision Appraisal and MRI (their Assessors) to
241 talk about the re-valuation process. He briefly spoke about the procedure of measuring, holding
242 hearings, doing pick-ups on any sales or new construction and the timeframes associated with the
243 re-valuation. Mr. Brew wondered if they could get some information on this for their next
244 meeting. He asked if everybody in Town will be getting a new value and if that new number will
245 be used on the new tax bill in December. Mr. MacGuire noted that 20% of the properties are
246 visited per year and this work is ongoing all the time. Mr. Infanti indicated he will get more
247 information for their next meeting. After further discussion, Mr. O’Mara asked that something be
248 put on the website, along with the persons to contact here at Town Hall as well as who is going to
249 be going around Town. One thing is community safety and the other is letting those folks in to
250 measure homes, so that there won’t be this many abatements.
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252 Mr. Brew proposed for a future agenda item and/or perhaps for the next two meetings the topic of
253 goals and what might be accomplished next year. Mr. O’Mara suggested putting goals on the
254 next meeting and simply talk about them as an “Action Item” and the following meeting, the
255 goals would be submitted to Gary. He would like to share and list them under “Discussion”.

Mr. MacGuire believed that they had not had a public meeting since they rolled out the new Town website and it was still a work in progress. There is a space for new items on the left side of the homepage. He welcomed suggestions and remarked that it was a content management system. They were trying to spread this out amongst their employees and are trying to provide a good quality communications system for their citizens. On Election Day, they had over 1,000 hits. He asked that information be given to either him or Sharon. They have a Webmaster who has spent an incredible amount of time and it is a very attractive site.

Mr. O'Mara noted that Code Red was very helpful on Election Day on what road were open and what ones were closed. He believed this was one of the best investments the community has made. He asked how they were charged. Mr. MacGuire explained there was a pool of minutes that they were charged for each year, if they go beyond that, they were charged. If there was an incident in a neighborhood there wasn't much of a charge. He indicated he did not recall what the per minute charge was.

Liz Overholt mentioned that she appreciated the call from Code Red on Election Day, but it would have been nice to have had a follow up when the roads were open. Mr. Bowler remarked that when the Moderator made this request to him, he was told that they didn't want to spend the money. Mr. O'Mara asked for further information for their next meeting. Mr. MacGuire indicated that they advised the Board and citizens that they would use Code Red only for emergency calls. It wasn't the money, but the road openings were not emergency calls. Each time they use the system, they also receive complaints and if people don't think there is an emergency, they are offended that it wasn't one an emergency and complain about the time of the calls. They stuck to their criteria – yes, the road closing were an emergency, the road openings were not.

Mr. Infanti moved to adjourn the meeting at 7:56 p.m., second by Mr. Bowler. Vote: Unanimous.

Respectfully submitted,

Sharon L. Frydlo
Executive Assistant